

ALLEGED SHIPMENT: Between the approximate dates of September 9, 1946, and January 17, 1947, by Interstate Laboratories, Inc., Louisville, Ky.

PRODUCT: Vitawine. 137 cartons, each containing a quart bottle, and 342 cartons, each containing a pint bottle, at Indianapolis, Ind. Enclosed with each bottle was a circular.

LABEL, IN PART: "Vitawine Vitamins B₁, B₂, Niacin and Iron * * * Tonic and Appetizer. A pleasing combination of Thiamine (Vitamin B₁) 1000 U. S. P. Units, Riboflavin (Vitamin G—B₂) 1000 Gammas, Niacin 10 Mg. Iron and Ammonium Citrate, Manganese Citrate, Sodium Citrate, Citric Acid and Dextrose in a palatable wine base."

NATURE OF CHARGE: Quart bottles. Misbranding, Section 403 (a), the label statement "Niacin 10 mg." and the statements in the accompanying circular "Each fluid ounce contains approx.: * * * Niacin 10 mgm. Iron and Ammon. Citrate 5 grains" and "Recommended adult dosage (1 tablespoonful or ½ ounce four times daily) provides the following approximate proportions of the minimum daily requirements: * * * Iron 1100%" were false and misleading since the product contained less than the declared amounts of niacin, iron, and ammonium citrate, and it would not provide the stated proportion of the minimum daily requirement for iron.

Pint bottles. Misbranding, Section 403 (a), the label statements "Thiamine (Vitamin B₁) 1000 USP units, Riboflavin (Vitamin G—B₂) 1000 Gamma, Niacin 10 Mg." and the statements in the accompanying circulars "Each fluid ounce contains approx.: Thiamine (Vitamin B₁) 1000 USP units, Riboflavin (Vitamin G or B₂) 1 mgm., Niacin 10 mgm., Iron and Ammon. Citrate 5 grains" were false and misleading since the product contained less than the stated amounts of niacin, riboflavin, Vitamin B₁, iron, and ammonium citrate. Further misbranding, Section 403 (a), the label statements "tablespoonful (½ oz.) in small amount of water after meals and before retiring * * * Based on minimum daily requirements as established by U. S. Government, the above recommended dosage provides 600% of Vitamin B₁—100% of Vitamin B₂ (G)" and the statements in the accompanying circular "Recommended adult dosage (1 tablespoonful or ½ ounce four times daily) provides the following approximate proportions of the minimum daily requirements: B₁ 600% B₂ . . . 165% Iron . . . 1100%" were false and misleading since the product would not provide the stated proportions of the minimum daily requirements for the vitamins and minerals.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: May 5, 1947. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and relabelled under the supervision of the Food and Drug Administration. On August 21, 1947, an amended decree of condemnation was entered, ordering the product destroyed.

MISCELLANEOUS FOODS

13699. Adulteration and misbranding of Recto (cream neutralizer). U. S. v. Benlo Chemicals. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 24280. Sample No. 18748-K.)

INFORMATION FILED: August 17, 1948, Eastern District of Wisconsin, against Benlo Chemicals, a partnership, Milwaukee, Wis.

ALLEGED SHIPMENT: On or about September 3, 1947, from the State of Wisconsin into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a poisonous and deleterious substance, sodium fluoride, had been substituted for Recto, a neutralizer of cream.

Misbranding, Section 403 (a), the name "Recto" was false and misleading since it represented and suggested that the product was a neutralizer of cream whereas the product was not a neutralizer of cream but was a poisonous and deleterious insecticide, sodium fluoride.

DISPOSITION: August 23, 1948. A plea of nolo contendere having been entered the defendant was fined \$2,000.